



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,679	08/29/2003	Rafael Rivera	84,530	7757

38092 7590 08/26/2005

OFFICE OF COUNSEL, CODE 004  
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION  
9500 MACARTHUR BLVD.  
WEST BETHESDA, MD 20817

EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
----------	--------------

3652

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/650,679

Applicant(s)

RIVERA ET AL.

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Are "said container spreader means" mounted on a central crane unit or on end crane units. For purposes of this office action, it was assumed they are mounted on all three.

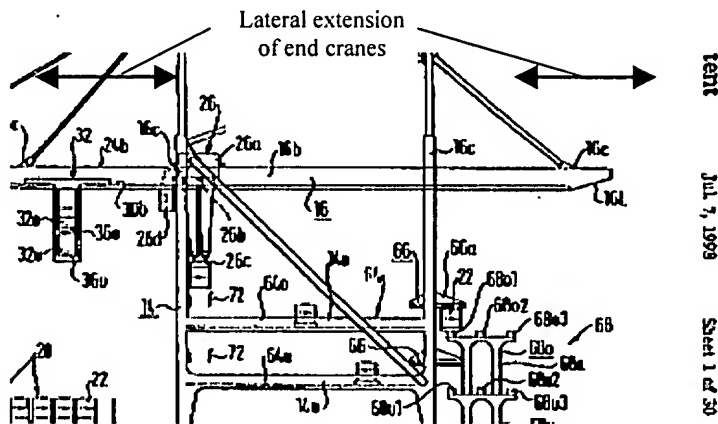
### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tax et al. (US 5,775,866) in view of Lichtenford (US 3,559,822) (previously cited).

With respect to claims 1 & 3-4, Tax et al. disclose a wheeled conveyor 10, roller track means for establishing a central passage lane 242, 332 mounted on wheeled conveyor means 10 along a passage lane 68, and container spreader means 26, 28, 66 mounted on wheeled conveyor means for lateral container displacement. Further, Tax et al. disclose wherein opposite end crane units 28, 66 extend laterally beyond a central crane unit 26 to establish two end passage lanes. FIG. 1a as shown below.



Tax et al. do not disclose a central passage lane with end passage lanes.

Lichtenford discloses a wheeled conveyor 3 with end passage lanes 5, 8, 9. Lichtenford teaches multiple delivery routes for containers to a wheeled conveyor from storage such that various means of delivery to said wheeled conveyor may be used such as truck/trailer, rail, and conveyor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Tax et al. to include passage lanes at the end of a wheeled conveyor, as per the teachings of Lichtenford, such that various means for delivery of containers from storage to a wheeled conveyor for loading on a ship. It is noted that Tax and Lichtenford disclose end lanes which are perpendicular to a central passage lane, and are at the end of a central passage lane.

With respect to claim 2, Tax et al. disclose wheeled conveyor means 10 comprising central crane unit 26 between opposite end crane units 28, 66 and a container spreader 26, 28, 66 mounted on opposite end crane units 28, 66 and central crane 26.

Art Unit: 3652

With respect to claim 5, Tax et al. disclose hopper guide means 72 mounted on central crane unit 26 for container vertical transfer from a wheeled conveyor 10.

With respect to claims 6-7, Tax et al. disclose a method for transfer of containers comprising positioning a common track passage lane 242, 332 laterally transferring containers between vehicles transferring containers vertically from a common lane carrying containers on truck chassis' and vertical transfer is by marine terminal crane 26. Tax et al. do not disclose a central passage lane with end passage lanes.

Lichtenford discloses a wheeled conveyor 3 with end passage lanes 5, 8, 9. Lichtenford teaches multiple delivery routes for containers to a wheeled conveyor from storage such that various means of delivery to said wheeled conveyor may be used such as truck/trailer, rail, and conveyor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Tax et al. to include passage lanes at the end of a wheeled conveyor, as per the teachings of Lichtenford, such that various means for delivery of containers from storage to a wheeled conveyor for loading on a ship.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,039,275 to Ide discloses a wheeled conveyor with roller track means and a central crane.

DE 2622698 to Rewa J discloses a wheeled conveyor 22 with roller track means 33.

Art Unit: 3652

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

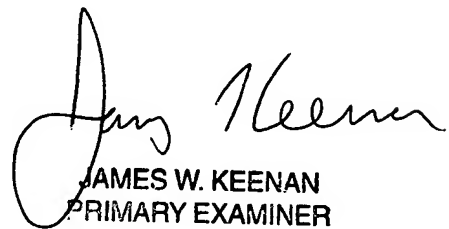
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



JAMES W. KEENAN  
PRIMARY EXAMINER